



AF/IRW

PTO/SB/31 (10-08)
Approved for use through 11/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
SPINE 3.0-437 CPCPCPCPCPCP I
CON I

In re Application of
Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Application Number
10/663,493-Conf. #2440

Filed
September 16, 2003

For INTERVERTEBRAL SPACER DEVICE HAVING AN ANGLED
PERIMETER FOR MANIPULATION USING A SURGICAL TOOL

Art Unit
3738

Examiner
B. E. Pellegrino

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 540.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown
above is reduced by half, and the resulting fee is:

\$

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to
Deposit Account No. 12-1095

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT
BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.**

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 58,653

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34.

Signature

William A. Di Bianca
Typed or printed name

(908) 654-5000

Telephone number

January 20, 2009

Date

**NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.**

☐ *Total of 1 forms are submitted.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on
the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450.

Dated: January 20, 2009

Signature: (William A. Di Bianca)

01/23/2009 EAREGAY1 00000047 121895 10663493